

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTWAN TOLLIVER,

Plaintiff,

20 cv. 3616 (JGK)

- against -

ORDER

BEST NEW YORK SMOKE INC d/b/a VAPE
SMOKE and JAMES ATAMANUK,

Defendants.

JOHN G. KOELTL, District Judge:

If the plaintiff wishes to obtain a default judgement, the plaintiff should first obtain a certificate of default from the clerk's office, and thereafter comply with this Court's procedures for obtaining an Order to Show Cause for a default judgement. A copy of the Court's procedures for obtaining an Order to Show Cause for a default judgement is attached.

SO ORDERED.

Dated: New York, New York
August 27, 2020

/s/ John G. Koeltl
John G. Koeltl
United States District Judge

VII. Default Judgment Procedures

A. Remote Procedures

The plaintiff shall:

1. File a proposed Certificate of Default and supporting declarations on ECF to obtain a Clerk's Certificate of Default.

For the most up to date instructions, refer to Section 16.1 of the SDNY Electronic Case Filing Rules & Instructions, available at:

<https://nysd.uscourts.gov/rules/ecf-related-instructions>

2. After the Clerk's Office issues a Certificate of Default, electronically file on ECF the following documents:
 - i. A proposed Order to Show Cause;
 - ii. An attorney's affidavit stating why a default judgment is appropriate; and
 - iii. A proposed default judgment plus statement of damages.

3. The proposed Order to Show Cause should contain the following text:

"The defendants shall respond in writing to this Order to Show Cause for a default judgment by _____. If the defendants fail to respond by that date, judgment may be entered against them and the defendants will have no trial. The plaintiff may reply by _____.

The plaintiff shall serve a copy of this Order to Show Cause by _____ and shall file proof of service by _____.

No personal appearances are required in connection with this Order to Show Cause."